

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

GENERAL CONFERENCE CORPORATION
OF SEVENTH-DAY ADVENTISTS and
GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS, an
Unincorporated Association,

Plaintiffs,

v.

No. 06-1207

WALTER MCGILL, d/b/a CREATION
SEVENTH DAY ADVENTIST CHURCH,
et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation on Contempt and Sanctions issued by United States Magistrate Judge Edward G. Bryant on December 14, 2009, pursuant to an order of reference, in which Judge Bryant recommended, *inter alia*, that Defendant, Walter McGill, be held in civil contempt. (Docket Entry (“D.E.”) No. 111.) The report sets forth a thorough and accurate assessment of the applicable law, which need not be repeated here, and recounts numerous efforts on the part of both the Court and the Plaintiffs to inveigle the Defendant’s cooperation with procedural rules and court orders—all to no avail, despite repeated warnings that Defendant’s continued recalcitrance could result in a finding of contempt for his violation of this Court’s May 28, 2009 Injunction Order (the “Injunction Order”). (D.E. No. 98.)

The magistrate judge’s recommendation that Defendant be held in contempt was based on the Defendant’s failure to comply with the Injunction Order— specifically, through the continued

use of proscribed domain names and websites, as well as signs and promotional materials that violate the injunction. This Court scheduled a hearing for November 5, 2009 on Plaintiffs' Renewed Motion and Memorandum for an Order to Show Cause (D.E. No. 105), but the Defendant neither responded to the motion nor appeared at the hearing. Further, the Plaintiff has failed to file an objection to the report and recommendation, and the time for doing so has elapsed.

Therefore, the magistrate judge's report and recommendation is hereby ADOPTED in full. The Court holds the Defendant in contempt for his willful failure to abide by this Court's orders. Pursuant to the magistrate judge's recommendation, the Court finds that limited discovery is appropriate for the purpose of permitting Plaintiffs to ascertain the identities of those who may have acted in concert with Defendant in this matter. Defendant is hereby ORDERED to cooperate fully with Plaintiffs in such limited discovery. The Court further finds that the following domain names and the websites located at such domain names violate the Injunction Order, and that all persons acting in concert with Defendant—including any website hosting companies and domain name registrars—are hereby ENJOINED from using or enabling the use of such domain names and websites:

www.creationseventhdayadventistchurch.ca
www.csdadventistchurch.co.cc
www.csdachurch.co.cc/
www.csdachurch.0adz.com
www.creationsdadventistrelief.to
www.csda-adventistchurch.to
www.creationsdadventistrelief.to
www.adventistry.org
www.creationseventhdayadventist.org.rw
www.creationsdarelieff.0adz.com
www.seventhdayadventistsda-v-creation7thdayadventistcsda-uslawsuit.net
www.seventhdayadventism.org
www.7thdayadventism.org/
www.whypastorwaltermcgillisnotaffiliatedwithgcsdaadventistchurch.net

www.csdachurch.wordpress.com
www.csda-korea.org
www.creationseventhdayadventistreliefprojectsint.ltd.ug
www.seventhdayadventistchurchfoundwanting.us
www.home.comcast.net/~7thdayadventist
www.home.comcast.net/~csdachurch
www.home.comcast.net/~creationsda
www.home.comcast.net/~creation-adventist
www.binaryangel.net
www.thefourthangel.net
www.home.comcast.net/~creation-sabbath
www.home.comcast.net/~barbara_lim
www.home.comcast.net/~crmin

The Court further holds that Plaintiffs or their agents should be and are permitted to remove and permanently dispose of Defendant's signs and promotional materials that violate the Injunction Order, with the costs of such removal and disposal to be taxed to Defendant.

Defendant's counsel should accompany Plaintiffs or their agent(s) during the removal of any infringing materials, and prior to the removal of any such signs or materials, Plaintiffs' counsel shall notify Defendant and any building managers, property owners, or landlords who may be affected. Finally, the Court ORDERS the Defendant to pay attorneys' fees and costs to the Plaintiffs in the amount of \$35,567.00.

IT IS SO ORDERED this, the 6th day of January, 2010.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE